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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5431 OF 2007

Ms. Shakuntala T. Nikalje ... Petitioner

V/s

M/s. Dalal Mott MacDonald P. Ltd. & ors.... Respondents

Mr. V.P. Patil for the petitioner.

M/s. P.K. Rele with Mr. V.N. Tayade i/by Piyush Shah for the respondent No.1.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 27TH AUGUST, 2007.

P.C.:

1. This petition challenges the Award Part-I passed by the Labour Court in Complaint (ULP) No. 511 of 1994. The Labour Court had, by a common order passed on 24.4.2001 decided Complaint (ULP) Nos. 287 of 1994, 511 of 1994 and 165 of 1995 and held that the enquiry held against the complainants was fair and proper and the findings recorded were not perverse. Revision applications filed by the petitioner and the other workmen were dismissed. The petitioner did not challenge these orders i.e. of the Labour Court dated 24.4.2001 and the Industrial Court dated 23.7.2002 when

she challenged the final order in the complaint. The final order was challenged by filing Writ Petition No. 6986 of 2006. The writ petition was rejected on 18.10.2006. The petitioner has now sought to challenge the orders concluding that the enquiry was fair and proper and that the findings were not perverse.

2. In my opinion, the petitioner cannot challenge these orders of the Labour Court and the Industrial Court when the final orders have already been passed in the complaint and the challenge to the final order has been rejected. Although in Writ Petition Nos. 2689 of 2002 and 1172 of 2002 this Court had given liberty to the petitioner to challenge the preliminary orders when final orders were passed, the petitioner chose not to do so when Writ Petition No. 6986 of 2006 was filed.

3. In such circumstances, no relief can be granted to the petitioner.

4. Petition rejected.

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